THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19381 of 1997

Dated:14.2.2007

Between
Suguna K Rao

.....Petitioner

and

1. Bank of India,
Rep., by its General Manager,
Mumbai and another.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19381 of 1997

ORDER:

This writ petition is filed seeking a Mandamus to direct the respondents to sanction pension to the petitioner as per the Pension Scheme i.e., Bank of India (Employees') Pension Regulations 1995.

It appears that the husband of the petitioner while working in the 1st respondent-Bank at Piliv Branch, Solapur District, Maharashtra State died in harness on 4.6.1991. He joined the services of the Bank in 1961 and rendered service for about 30 years.

The grievance of the petitioner is that as per the Pension Scheme evolved by the Bank of India, she is entitled for Family Pension. Therefore, she made an application on

1.3.1997 exercising option for Family Pension but the same was rejected stating that she had not exercised the option within the stipulated time, hence, they could not entertain any claim for Family Pension.

A detailed counter-affidavit has been filed by the respondents denying the allegations made by the petitioner and asserting the same position as was alleged in the letter dated 10.3.1997.

There is no necessity to go into all the details.

The facts are not in dispute. The husband of the petitioner, after serving the respondent-Bank for about 30 years, died on 4.6.91. As on the date of death of the husband of the petitioner, there was no pension scheme available in the Bank. Therefore, she was paid all the benefits as per Law. But, however, when she came to know that Family Pension Scheme was evolved for granting Family Pension to the deceased employees who died

between the period 1.1.1986 and 28.9.1995, she has made an application on 1.3.1997 for grant of pension, which was rejected by the respondents on 10.3.1997 stating that she had not exercised the option for Family Pension within the prescribed time. Therefore, she is not entitled for the same.

Clause '6' of the Pension Regulation, 1995 reads as under:

> *"It is likely that some of the employees who died while in service or after retirement between the period 1.1.1986 and 28.9.1995 may not have exercised option for pension. Since family of the deceased employees are now eligible to exercise option for family pension, it is desired that branches should make all possible endeavours to contact such families and apprise them about the availability of family pension as per the provisions under the Pension Regulations. This gesture will enable these families to decide in the matter within the prescribed time limit expiring on 26.1.1996."*

From a perusal of Clause 6, it is clear

that the family pension could be available for all the members of the deceased employees who died while in service or after retirement between the period 01.01.1986 and 28.09.1995. It is also mentioned in the Clause that the Branches should contact the families of the deceased employees to enable them to exercise the option within the prescribed time limit expiring on 26-01-1996.

It is not the case of the respondents that they have sent any communication as required under Clause 6 of the Pension Regulations, 1995 to the petitioner. On the other hand, they asserted that the petitioner is an employee of Syndicate Bank, therefore, she is aware of the scheme, and she ought to have applied for the same.

Whereas the learned counsel for the petitioner asserted that the petitioner is not aware of the same.

It appears that the petitioner is an employee of the Syndicate Bank and she was

not aware what is going on in the Bank of India and also what exactly the Pension Regulations, 1995 of Bank of India. In fact, it is the bounden duty of the respondent-bank to address letters to the families of the deceased employees as required under Clause 6 of the Pension Scheme seeking option of the family members for the purpose of granting family pension as per the scheme, but such a course of action was not adopted, except asserting that the petitioner being a bank employee, she must be aware of the issuance of the circular and pension scheme by the Bank of India.

The respondents have not issued any notice to the petitioner calling for exercising the option by the petitioner for the purpose of Family Pension etc. It is also not their case that the case of the husband of the petitioner does not fit into the teeth of the scheme framed by the bank nor it is their case the husband of the petitioner did not die between the period 1.1.1986 and 28.9.1996.

For all the above reasons, the writ petition is allowed and the respondents are directed to treat the letter dated 1.3.1997 as an option exercised by the petitioner for the purpose of family pension and extend all the benefits under the scheme as per the admissibility and eligibility. This exercise shall be completed within three (3) months from the date of receipt of a copy of this order. No order as to costs.

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14-02-2007

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